

I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as Express Mail, Airbill No. EV 798281664 US, in an envelope addressed to: MS PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.

Dated: December 11, 2006 Signature:


(Michelle Tow)

Docket No.: 577132000200/451-111US
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Yi XIONG et al.

Application No.: 10/551,359

Confirmation No.: 6555

Filed: Int'l. – March 29, 2004

Art Unit: Not Yet Assigned

For: OVERCOMPLETE BASIS TRANSFORM
BASED MOTION RESIDUAL FRAME
CODING METHOD AND APPARATUS FOR
VIDEO COMPRESSION

Examiner: Not Yet Assigned

MS PCT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PETITION UNDER 37 CFR §1.47(a)

Dear Sir:

Pursuant to 37 CFR 1.47(a) and MPEP 409.03(d), real-party-in-interest, Even Technologies (which holds the assignee of this application - Digital Accelerator Corporation - as a wholly-owned subsidiary company), respectfully states that co-inventor Meng Wang refuses to join the application for patent, and requests that this application be accepted for examination under Rule 47, and that the enclosed Oath/Declaration be accepted without the signature of one of co-inventors Meng Wang.

In brief, and as declared by Leslie Sims, Marketing Manager of Even Technologies, in the enclosed declaration (executed December 06, 2006), the pending specification and Declaration under 37 CFR 1.63 for the above-referenced patent application were presented to co-inventor Meng Wang for review and execution. Meng Wang refused to execute the papers. The enclosed Declaration of Leslie Sims of Even Technologies sets forth a detailed description of attempts made to contact co-inventor Meng Wang regarding the Rule 63 Declaration for the above-referenced patent application.

12/14/2006 ATRAN1 00000121 031952 10551359

03 FC:1463 200.00 DA
sd-349248

The instant application is a U.S. National Phase (under 35 U.S.C. §371) of Patent Convention Treaty (PCT) International Application No. PCT/CA2004/000464, having an International Filing Date of March 29, 2004. This U.S. utility patent application, USSN 10/551,359, has the same specification as PCT/CA2004/000464, and was filed on September 28, 2005.

As declared by Leslie Sims (see paragraphs 4 and 6, page 2, of her declaration), co-inventor Meng Wang was provided a copy of the declaration for this U.S. utility patent application, USSN 10/551,359, by MOBILE 1™ messengers at his last known residence, noted below. The letter referenced Canadian Patent Application 2,423,618, the priority document for this application, and requested that Mr. Wang review and sign the Rule 63 declaration and return same to Even Technologies as soon as possible. A copy of that letter and the accompanying shipping request form are attached to Leslie Sims's declaration.

Co-inventor Meng Wang's last known residential address is:

3027 Laurel Street
Vancouver, British Columbia V5Z 3T6
Canada

This also is believed to be Meng Wang's current residential address.

As declared by Leslie Sims (see paragraph 5, page 2, of her declaration), a second copy of the letter was sent by registered mail with Canada Post, on November 20, 2006. A copy of that letter and the accompanying tracking sheet are attached to Leslie Sims's declaration.

As declared by Leslie Sims (see paragraph 7, page 2, of her declaration), as of the date the declaration was signed, no communication or correspondence was received from Meng Wang related to signing the Rule 63 declaration.

Kindly accept this Petition and the enclosed Response to Notification of Missing Requirements with Rule 63 Oath/Declaration executed by all co-inventors, except uncooperative co-inventor Meng Wang, and issue a notice of same.

In the event the U.S. Patent and Trademark office determines that an extension and/or other relief is required, applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. **03-1952** referencing docket no. **577132000200**. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

If it is determined that a telephone conference would expedite the prosecution of this application, the Examiner is invited to telephone the undersigned at the number given below.

Dated: December 11, 2006

Respectfully submitted,

By 

Gregory P. Einhorn

Registration No.: 38,440

MORRISON & FOERSTER LLP

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San Diego, California 92130-2040

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email geinhorn@mofo.com

Docket No.: 577132000200
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:

Yi Xiong
Mark Sauer
Meng Wang
Peter Koat

Application No.: 10/551,359

Confirmation No.:

Filed: Int'l. - March 29, 2004

Art Unit: Not Yet Assigned

For: Overcomplete Basis Transform-Based Motion
Residual Frame Coding Method and Apparatus
For Video Compression Systems

Examiner: Not Yet Assigned

DECLARATION OF COMPANY REPRESENTATIVE UNDER 37 CFR 1.47(a)

MS PCT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

I, Leslie Sims, declare and state that:

1. I am the Marketing Manager of Even Technologies, which holds Digital Accelerator Corporation as a subsidiary company, and as such I have first hand knowledge regarding the uncooperativeness/unavailability of the co-inventor Meng Wang regarding execution of the Declaration for the subject patent application (USSN 10/551,359).
2. Digital Accelerator Corporation is the assignee of U.S patent application No. 10/551,359, and the former employer of the co-inventor, Meng Wang, of the present application.

3. On September 28, 2005, the Application was filed with the United States Patent and Trademark Office and was assigned Serial No. 10/551,359, based on International Patent Application No. PCT/CA2004/000464 filed March 29, 2004.
4. On November 20, 2006, I sent a letter by courier forwarding the Declaration for execution for the subject application (USSN 10/511,359) by Mobile 1 Messengers Inc. to Meng Wang at his residence, 3027 Laurel Street, Vancouver, British Columbia, V5Z 3T6, Canada. A copy of that letter and the accompanying Shipping Request Form are attached hereto as Exhibit A.
5. I sent another copy of the letter by registered mail with Canada Post, on November 20, 2006, to Meng Wang at his residence, 3027 Laurel Street, Vancouver, British Columbia, V5Z 3T6, Canada. A copy of that letter and the accompanying Tracking Sheet are attached hereto as Exhibit B.
6. The letter sent to Meng Wang, referencing Canadian Patent Application No. 2,423,618, the priority document for the subject application (USSN 10/511,359), requested that he review and sign the Declaration and return same to the undersigned as soon as possible.
7. At this time, no communication or correspondence has been received from Meng Wang relating to signing the Declaration document.
8. I declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under § 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Date 6 December 2006


Leslie Sims of
Even Technologies



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Canada V6B 1G1

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November 20, 2006

Meng Wang
3027 Laurel Street
Vancouver, BC V5Z 3T6
Canada

Dear Meng Wang:

Subject: URGENT! Even Technologies Patent Application

At Nick Ringma's request, please find enclosed a patent application declaration for patent application 2,423,618 ("Overcomplete Basis Transform-Based Motion Residual Frame Coding Method and Apparatus for Video Compression"). Would you please be so kind as to sign the declaration under "Signature of Inventor 203" as indicated? It would be very much appreciated if you could sign and return to me at the address above as soon as possible. Only page one and two of the Declaration for Patent Application need be returned. Please feel free to keep the copy of the Application for your records.

Many thanks. We hope you are doing well in all of your current endeavors.

Best regards,

A handwritten signature in dark ink, appearing to read "Leslie Sims", with a long horizontal flourish extending to the right.

Leslie Sims
Marketing Manager
lsims@eventechnologiesinc.com.


 MOBILE 1 MESSENGERS INC. www.mobile1.ca		604 681-4227 "For All Your Courier Needs, Make Us The 1."		DATE 08/11/20
TO: EVAN TECHNOLOGIES 490 - 501-W CERRADA ST, VANCOUVER BC		FROM: MENTANA 3027-1 LAUREL STREET VANCOUVER		VEHICLE # 10
<input type="checkbox"/> HOT <input type="checkbox"/> NOT HOT <input type="checkbox"/> RUSH <input type="checkbox"/> REGULAR <input type="checkbox"/> OVERNIGHT <input type="checkbox"/> RETURN	QTY 1	DESCRIPTION/INSTRUCTIONS ENVELOPE * 4 attempts to deliver	COMMENTS 689 1858	DELIVERY TIME (hrs) 1
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EXHIBIT A - 10/551,359



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November 20, 2006

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3027 Laurel Street
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Subject: URGENT! Even Technologies Patent Application

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Best regards,

A handwritten signature in black ink, appearing to read "Leslie Sims", with a long horizontal flourish extending to the right.

Leslie Sims
Marketing Manager
lsims@eventechnologiesinc.com

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EXHIBIT B - 10/551,359

<https://em.canadapost.ca/emo/basicPin.do?trackingId=79054161876&trackingCode=PIN&...> 12/7/2006



Registered
Domestic

Recommandé
Régime intérieur



To Destinataire

Name Nom

Address Adresse

City Ville

Province Postal Code Code postal

Meryl Unger
3027 Laurel St
Vancouver BC V5Y 3T6

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REÇU DU CLIENT

33-088-634 (98-10)